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11 Attorneys for S. J. WEAVER
12 CONTRACTING, INC. and STEVEN J.
13 WEAVER

14
15 **UNITED STATES DISTRICT COURT**
16
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 JOSE MORENO as CHAIRMAN and
19 LARRY TOTTEN as CO-CHAIRMAN
20 of the BOARD OF TRUSTEES FOR
21 THE LABORERS HEALTH AND
22 WELFARE TRUST FUND FOR
23 NORTHERN CALIFORNIA;
24 LABORERS VACATION-HOLIDAY
25 TRUST FUND FOR NORTHERN
26 CALIFORNIA; LABORERS PENSION
27 TRUST FUND FOR NORTHERN
28 CALIFORNIA; and LABORERS
TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

vs.

S. J. WEAVER CONTRACTING, INC.,
a California corporation; and STEVEN J.
WEAVER, an Individual,

Defendant.

CASE NO. C-04-4699 SI

Assigned to Hon. Susan Illston for all
purposes.

**STIPULATION AND [PROPOSED]
PROTECTIVE ORDER RE
PRODUCTION OF DOCUMENTS**

Complaint Filed: 11/04/04
Voluntary Petition Filed: 05/10/05

IT IS HEREBY STIPULATED by and between JOSE MORENO as
CHAIRMAN and LARRY TOTTEN as CO-CHAIRMAN of the BOARD OF
TRUSTEES FOR THE LABORERS HEALTH AND WELFARE TRUST FUND
FOR NORTHERN CALIFORNIA; LABORERS VACATION-HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA; LABORERS PENSION TRUST FUND

FOR NORTHERN CALIFORNIA; and LABORERS TRAINING AND RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA (“Plaintiffs or the “Trust Funds”), through their attorneys of record, Stanton, Kay & Watson, LLP, by James P. Watson, and STEVEN J. WEAVER (“Mr. Weaver”), through his attorneys of record, Atkinson, Andelson, Loya, Ruud & Romo, by Thomas W. Kovacich, as follows:

1. Plaintiffs filed a Complaint on November 5, 2004 for breach of an alleged collective bargaining agreement between S.J. Weaver Contracting, Inc. (“SJW”) and the Northern District Council of Laborers (the “Union”). The Complaint also sought damages against Mr. Weaver, alleging that he and SJW constituted a “single employer” and was therefore also bound to the terms and conditions of the collective bargaining agreement.

2. On May 10, 2005, SJW filed a voluntary petition seeking federal bankruptcy protection.

3. On May 13, 2005, SJW gave notice to the Court and Plaintiffs of the bankruptcy petition.

4. On June 3, 2005, the Court granted Mr. Weaver’s Motion to Set Aside Default Judgment.

5. Plaintiffs still seek to enforce the terms and conditions of the collective bargaining agreement against Mr. Weaver.

6. On June 17, 2005, Mr. Weaver filed his Answer to the Complaint denying Plaintiffs various allegations and raising additional affirmative defenses.

7. On July 27, 2005, the Court held a Case Management Conference, wherein the Court directed Plaintiffs to conduct the deposition of Steven Weaver in October 2005, in order to determine if there was any basis for continuing to include him in the lawsuit as an individual defendant. The Court directed that Mr. Weaver should file a summary judgment motion following the deposition, on or before November 4, 2005, with a hearing date of December 9, 2005, should Plaintiffs be

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unwilling to dismiss him as an individual defendant following his deposition.

8. Plaintiffs have served extensive written documents requests on Mr. Weaver, and the parties have agreed that Mr. Weaver's deposition will take place on October 7, 2005.

9. Mr. Weaver contends that the records requested by the Trust Funds contain SJW's and Mr. Weaver's private, confidential, proprietary and trade secret information. (Mr. Weaver also contends that the records are vastly overbroad and objects that he be required to produce voluminous records of the now-defunct corporation, SJW, at his own considerable time and expense.) However, Mr. Weaver is willing to make certain responsive documents available for Plaintiffs to review and copy in accordance with the terms of this Stipulation.

10. Plaintiffs have therefore agreed that the documents produced by Mr. Weaver shall be produced and used expressly for the purposes of determining whether Plaintiffs have a viable claim against Mr. Weaver in the instant lawsuit. Plaintiffs agree that they will not utilize the information for any other purposes or outside of this litigation. Plaintiffs also agree that they will not cause any information from these records to be distributed to any parties other than Plaintiffs' counsel.

11. Within thirty (30) days after the conclusion of this lawsuit, counsel for the Trust Funds shall promptly return to Mr. Weaver all documents and copies produced pursuant to this stipulation.

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1 DATED: September ____, 2005 STANTON, KAY & WATSON, LLP

2
3 By: /s/
James P. Watson, Esq.
Attorneys for Plaintiffs

4
5 DATED: September ____, 2005 ATKINSON, ANDELSON, LOYA, RUUD &
ROMO

6
7 By: /s/
Thomas W. Kovacich
Christopher S. Milligan
Attorneys for S. J. WEAVER
CONTRACTING, INC. and STEVEN J.
WEAVER

10
11 **[PROPOSED] ORDER**

12 IT IS SO ORDERED.

13 DATED: _____

